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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Form 38—Tobacco 11—Supp. 1]

Instructions for Determination of Flue-Cured Tobacco Farm Marketing Quotas for 1938

Issued pursuant to the Agricultural Adjustment Act of 1938 as amended

Section II, A (3) of Form 38-Tobacco 11, "Instructions for Determination of Flue-Cured Tobacco Marketing Quotas for 1938,"[1] is amended by striking out the first three sentences and inserting in lieu thereof the following:

(3) The farm yield shall be the 1935 yield per acre for the farm, if such yield is known, subject to the following adjustments:

(a) If the 1935 yield per acre for the farm is more than 300 pounds below the 1935 county average yield,[1] the farm yield shall be fixed at 300 pounds below the 1935 county average unless adjusted upward as provided in (c) below.

(b) If the 1935 yield per acre for the farm is more than 300 pounds above the 1935 county average yield[1] the farm yield shall be fixed at 300 pounds above the 1935 county average yield[1] or, if larger, at the average yield per acre for the farm in the three years, 1935, 1936 and 1937.

(c) If the committee finds that because of flood, drought, hail or blue-mold the 1935 yield per acre for any farm was materially lower than the yield which otherwise would have been obtained, the committee shall assign as the farm yield that yield which it finds to be normal for the farm, taking into consideration the yield on farms in the locality which have similar types of soil; provided that such yield shall not be more than the higher of the 1936 or 1937 yield per acre for the farm nor more than the maximum yield which could be established under (b) above.

If the 1935 yield per acre for a farm is not known, the 1935 community average yield per acre[1] shall be used as the farm yield.

Section V "Definitions" is amended by striking out the definition of "family" and inserting in lieu thereof the following:

Family means a body of persons who live in one house and under one head. In the determination of the number of families on a farm, a family shall be considered as "on a farm" if the head of the family and other members of the family who ordinarily take part in farm work are regularly engaged in work on the particular farm, even though such family may not live in a house located on the farm. If a family lives in a house located on one farm and works part time on that farm and part time on another farm, the family shall be included as a family on the farm on which the greater proportion of time is spent in work.

Done at Washington, D. C., this 27th day of June 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. Wallace,
Secretary of Agriculture.

[F. R. Doc. 38-1844; Filed, June 28, 1938; 11:15 a. m.]

[ACP—1938—Thomas County, Kans.]

Western Region, 1938 Agricultural Conservation Program for Thomas County, Kans.

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[1] 3 F. R. 1436 (DI).

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FEDERAL REGISTER

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INTRODUCTION

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1938, payments and grants of aid will be made in Thomas County, Kansas, for participating in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program for Thomas County, Kansas, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact.

The rates of payments (and deductions) specified herein are subject to an increase or decrease of not more than 10 percent depending upon the extent of participation in the Thomas county program and the final estimate of payments which would be made in Thomas county under the 1938 Agricultural Conservation Program.

The provisions of the 1938 Agricultural Conservation Program as contained in this bulletin are applicable only in Thomas County, Kansas.

SECTION I. *County acreage allotments and goals.*—A. *County acreage allotments of soil-depleting crops.*—The Agricultural Adjustment Administration with assistance of the State committee shall establish for Thomas county, county acreage allotments for total soil-depleting crops and for wheat as hereinafter set forth. The soil-depleting acreage allotments for Thomas county shall not exceed its prorata share of the applicable acreage allotments established for the State by the Secretary except as otherwise provided in the bulletin.

1. *Total soil-depleting acreage allotment.*—The county acreage allotment of total soil-depleting crops shall be established for Thomas county by assigning to Thomas county its proportionate share of the State acreage allotment of total soil-depleting crops on the basis of the average acreage of soil-depleting crops grown in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops.

2. *Wheat acreage allotment.* — The county acreage allotment of wheat for Thomas county shall be established by assigning to Thomas county its proportionate share of the State acreage allotment of wheat determined by the Secretary on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in the county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in the county. The average acreage seeded in the county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

B. *County soil-building goals.*—Insofar as practicable, a county goal shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent wind and water erosion.

SEC. II. *Farm acreage allotments and goals.*—The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, wind erosion control goals, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in the county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

A. *Soil-depleting acreage allotments.*—1. *Total soil-depleting acreage allotment.*—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion and the acreage of all soil-depleting crops customarily grown on the farm taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

2. *Wheat allotment.*—Acreage allotments of wheat shall be determined for farms on which wheat has been seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of till-

able acreage, crop rotation practices, type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors.

B. *Soil-Building goals.*—1. *Soil-building goal.*—The soil-building goal for any farm shall be the number of units of soil-building practices equal to 30 percent of "the number of dollars" computed for the farm under Section III, subsection A, items 1, 2, and 3. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. On farms which are all noncrop pasture land the soil-building goal expressed in units shall equal the number of dollars in the total payment computed for the farm under Section III, subsection A, item 3. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

2. *Wind erosion control goal.*—On a farm on which the county committee has designated special wind erosion acreage a wind erosion control goal in units shall be established equal to the number of dollars computed for the farm under Section III, subsection A, item 4.

C. *Posting of acreage allotments.*—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

SEC. III. *Payment for full performance.*—Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building and wind erosion control goals in an amount which shall be the sum of the following:

A. *Acreage allotments.*—70% of the total of items 1, 2 and 3 below shall be payments for not exceeding the total soil-depleting acreage allotment.

1. *Wheat.*—10 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of Section XI.

2. *Cropland.*—70 cents per acre adjusted by farm productivity for the acres of cropland in excess of acres used in determining wheat payment under item 1 above.

3. *Non-cropland.*—20 cents per acre of noncrop open pasture land in the farm.

4. *Designated wind erosion acres.*—65 cents per acre of designated wind erosion acreage. Designated wind erosion acreage under this item of payment which may be alloted to the county shall not exceed a total of 15,000 acres.

B. *Soil-building goal.*—30 percent of the total of items 1, 2, and 3 of subsection A above shall be payment for achieving a soil-building goal.

SEC. IV. *Payments for partial performance.*—Payments computed for any farm under the provisions of Section III shall be subject to all the following deductions which are applicable to the farm.

A. *Deductions for excess acreages of soil-depleting crops.*—1. $5.00 multiplied by farm productivity for each acre by which the 1938 acreage of soil-depleting crops exceeds the total soil-depleting acreage allotment for the farm.

B. *Deductions for failure to carry out soil-building practices and conservation measures.*—1. $1.00 for each unit by which the soil-building goal is not reached.

2. $1.00 for each unit by which the wind erosion control goal is not reached.

C. *Deduction for failure to prevent wind and water erosion.*—$1.50 for each acre of land, with respect to which there are not adopted in 1938 methods recommended by the State committee and approved by the Agricultural Adjustment Administration for the prevention of wind or water erosion if such protection is needed.

D. *Deduction for breaking out of native sod.*—$3.00 for each acre of native sod or any other land which has been cropped but is not classified as cropland which is broken out during the period November 1, 1937 to October 31, 1938, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such acreage of cropland to be in addition to that designated as restoration land.

SEC. V. *Division of payments and deductions.*—A. *Payments and deductions in connection with acreage allotments and restoration land goals.*—The net payment or net deduction computed for any farm with respect to 70 percent of items 1, 2 and 3 of Section III, A, or item A, 1, Section IV shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds of the wheat, or if there is no wheat, as the proceeds of the major soil-depleting crop is divided on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments the total amount of deductions computed under Section IV with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (subsection A-1); (2) failure to prevent wind and water erosion (subsection B-2 and subsection C); and (3) breaking out of native sod (subsection D) shall be regarded (a) as deductions with respect to 70 percent of items 1, 2 and 3 in Section III.

In the event that wheat or other soil-depleting crops are not harvested in 1938 on the farm the payment, if any, with respect to 70 percent of items 1, 2 and 3 of Section III-A shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of the wheat crop had wheat been harvested on the farm in 1938.

B. *Payments with respect to soil-building and wind erosion control practices.*—The amount of payment earned in connection with the soil-building goal and wind erosion control goal for the farm shall be paid to the landlord, tenant or sharecropper who carried out the soil-building and wind erosion control practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building and wind erosion control practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto. Payment earned in connection with practice A-7 of restoring farmland to pasture shall be divided as the wheat payment is divided or if no wheat payment is computed with respect to a wheat acreage allotment on the farm this payment shall be divided as the proceeds of general crops are divided.

C. *Proration of net deductions.*—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

SEC. VI. *Increase in small payments.*—The total payment computed under Section III to V, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to, 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1.00 to $1.99	$0.40	$32.00 to $32.99	$10.40
$2.00 to $2.99	0.80	$33.00 to $33.99	10.60
$3.00 to $3.99	1.20	$34.00 to $34.99	10.80
$4.00 to $4.99	1.60	$35.00 to $35.99	11.00
$5.00 to $5.99	2.00	$36.00 to $36.99	11.20
$6.00 to $6.99	2.40	$37.00 to $37.99	11.40
$7.00 to $7.99	2.80	$38.00 to $38.99	11.60
$8.00 to $8.99	3.20	$39.00 to $39.99	11.80
$9.00 to $9.99	3.60	$40.00 to $40.99	12.00
$10.00 to $10.99	4.00	$41.00 to $41.99	12.10
$11.00 to $11.99	4.40	$42.00 to $42.99	12.20
$12.00 to $12.99	4.80	$43.00 to $43.99	12.30
$13.00 to $13.99	5.20	$44.00 to $44.99	12.40
$14.00 to $14.99	5.60	$45.00 to $45.99	12.50
$15.00 to $15.99	6.00	$46.00 to $46.99	12.60
$16.00 to $16.99	6.40	$47.00 to $47.99	12.70
$17.00 to $17.99	6.80	$48.00 to $48.99	12.80
$18.00 to $18.99	7.20	$49.00 to $49.99	12.90
$19.00 to $19.99	7.60	$50.00 to $50.99	13.00
$20.00 to $20.99	8.00	$51.00 to $51.99	13.10
$21.00 to $21.99	8.20	$52.00 to $52.99	13.20
$22.00 to $22.99	8.40	$53.00 to $53.99	13.30
$23.00 to $23.99	8.60	$54.00 to $54.99	13.40
$24.00 to $24.99	8.80	$55.00 to $55.99	13.50
$25.00 to $25.99	9.00	$56.00 to $56.99	13.60
$26.00 to $26.99	9.20	$57.00 to $57.99	13.70
$27.00 to $27.99	9.40	$58.00 to $58.99	13.80
$28.00 to $28.99	9.60	$59.00 to $59.99	13.90
$29.00 to $29.99	9.80	$60.00 to $185.99	14.00
$30.00 to $30.99	10.00	$186.00 to $199.99	[1]
$31.00 to $31.99	10.20	$200.00 and over	[2]

[1] Increase to $200.00.

[2] No increase.

SEC. VII. *Deductions incurred on other farms.*—A. *Other farms in the same county.*—If the deductions computed under Section IV with respect to any farm exceed the payment for full performance on such farm computed under Section III, any person's share of the amount by which such deductions exceed such payments shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in the county.

B. *Other farms in the State.*—If the deductions computed for any person with respect to one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed are such as substantially to offset the contribution to the program made on such other farms.

SEC. VIII. *Deduction for association expenses.*—There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. IX. *General provisions relating to payments.*—A. *Payment restricted to effectuation of purposes of the program.*—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized. No payment, other than a payment in connection with soil-building practice A 7, shall be made with respect to any farm which is idle in 1938.

B. *Payments computed and made without regard to claims.*—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section IX) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.*—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

D. *Assignments.*—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. *Excess cotton acreage.*—Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the seeding of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

F. *Use of soil-conserving crops for market.*—No payment will be made with respect to any farm unless on such farm in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1938; *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XI hereof.

SEC. X. *Application for payment.*—A. *Persons eligible to file applications.*—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section V a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building and wind erosion control practices.

B. *Time and manner of filing application and information required.*—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. *Applications for other farms.*—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

SEC. XI. *Soil-depleting crops.*—Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting.

A. Land planted to the following crops for harvest in 1938:

1. Corn (including field corn, sweet corn, and popcorn).
2. Oats.
3. Cowpeas.
4. Flax.
5. Speltz.
6. Potatoes.
7. Field beans.
8. Sweet potatoes.

B. Land planted to wheat harvested for grain or hay in 1938 or any other land planted to wheat between August 1, 1937 and July 31, 1938, except

1. When used as temporary pasture under practice A-2.

2. When the acreage of such crop seeded in the fall of 1937 is tilled, before May 1, 1938, in preparation for another crop or in connection with an approved conservation measure, provided, that the conservation measure to be instituted before such date shall be approved by the county committee and the land to be so handled shall be designated in accordance with instructions issued by the Agricultural Adjustment Administration.

C. Land devoted in 1938 to buckwheat, Broomcorn, grain sorghums, sweet sorghums, Sudan grass, millet, when harvested for grain or seed, (except when used under practice F-1 or A-4 in which case these crops are not soil-depleting) sirup, or silage.

D. Land planted in 1938 to field peas harvested for peas or soybeans harvested for seed for crushing. Field peas or soybeans hogged off shall be deemed to be harvested.

E. Land devoted to Barley and rye except when used as nurse crops and not harvested for grain or hay or except when used as temporary pasture under practice A-2.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reaches maturity and an individual crop acreage allotment is established for one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If one or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be devoted to each.

In connection with determinations regarding the maturity of crops, field corn, sweet corn, and popcorn hogged off or cut for silage, fodder or other similar uses, will be deemed to have reached maturity.

Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

SECTION XII. *Soil-building and wind-erosion control practices.*—The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal and the wind erosion control practices shall count toward the achievement of the wind erosion control goal to the extent indicated therein, when such practices are carried out in 1938 in the county and in accordance with the following specifications and such modifications thereof or additions thereto as may be issued by the Regional Director or by the State committee with the approval of the Regional Director. Each practice must be carried out in accordance with the individual specifications applicable thereto and such of the general specifications as apply.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

General Specifications

(1) Seed used for or in connection with any seeding practice must be good clean seed free of noxious weeds and of good quality.

(2) All soil-building practices, including minimum seeding rates and methods of seeding, unless otherwise specified under the individual practice, shall be such as are determined by the county committee to be in accordance with the generally accepted good farming practice in the county.

(3) Approval of a soil-building practice carried out on the same land as other soil-building practices shall not be approved for payment, by the county committee, if the carrying out of the two or more practices on the same land results in one practice interfering with the effects of other practices. Practice specifications under certain practices prohibit such practices from being carried out for credit on the same acreage as other specified practices.

(4) The term "good stand" when used in connection with seeding practices shall mean a stand which would produce a normal crop without any reseeding.

(5) The soil-building practices listed below may be carried out on cropland and noncrop land unless otherwise provided in the specifications applicable to individual practices.

Schedule of Soil-Building Practices

A-1. *Protecting summer fallow.*—Rate of credit—1⅓ acres equal 1 unit.

Specifications. — Protecting summer fallow by using tillage implements that will leave a rough, cloddy surface with small grain stubble and straw incorporated into the surface soil.

This practice is applicable on cropland only.

First tillage operation shall be completed before May 15.

The surface must be reasonably free from weeds and volunteer growth at all times.

A-2. *Seeding wheat, rye and/or barley for temporary pasture.*—Rate of credit—1 acre equals 1 unit.

Specifications.—For each four acres of non-crop pasture land on which practice L-3 is adopted there may be planted on cropland, before August 1, 1938, one acre of wheat, rye, and/or barley for temporary pasture. Such acreage planted for temporary pasture under this practice will not be classed as soil-depleting; *Provided,* That (1) a soil-depleting crop has not been harvested on such land in 1938; (2) no other practice except L-1 may be performed for credit on the same acreage.

A-3. *Seeding Sudan grass for temporary pasture.*—Rate of credit—1 acre equals 1 unit.

Specifications.—For each four acres of non-crop pasture land on which practice L-3 is adopted there may be planted on cropland one acre of Sudan grass for temporary pasture. No other practice except practice L-1 may be performed for credit on the same acreage as A-3.

A-4. *Planting cover crops on contour.*—Rate of credit—1 acre equals 1 unit.

Specifications.—Sorghums, Sudan grass, broomcorn and millets when planted as cover, close drilled, or in rows not greater than 44 inches apart, *provided:* (1) a good growth is attained, (2) only the heads of the crop are removed, (3) all of the stalks are left on the ground where grown and the operator's farming plan provides that such stalks be left on the land until March 31, 1939, as a protection against wind erosion, (4) no pasturing is allowed, (5) this practice is applicable only for credit towards the special wind erosion control goal.

A-5. *Protecting summer fallow by stripcropping.*—Rate of credit—1 acre equals 1 unit.

Specifications.—The fallow strips (two or more strips of fallow) to be not less than five rods nor more than twenty rods in width with intervening strips of equal or twice the width of the fallow strips. Cover on the protective strips shall consist of small grain crops, sorghums, and/or Sudan grass, or small grain stubble. Only the heads of the crop may be harvested or removed.

This practice is applicable on cropland only.

A-6. *Protecting summer fallow by contour cultivation.*—Rate of credit—1 acre equals 1 unit.

Specifications.—Protecting summer fallow from erosion by cultivating on the contour with implements which will create and maintain a rough and cloddy surface with sufficient small grain straw and stubble in the surface soil to protect the summer fallow from erosion. The line of operation shall not deviate from a true contour line by more than one percent. Contour guide lines shall be marked with a ridge. An acceptable ridge is one back furrow with at least two rounds of a single bottom plow or any equal sized ridge.

When the lister is used as the implement of tillage the practice may be approved without straw and stubble in the surface soil.

This practice is applicable on cropland only.

A-7. *Restoration of farm land to natural vegetative cover.*—Rate of credit—⅔ acre equals 1 unit.

Specifications.—Restoring farm land (cropped once since 1930) to natural vegetative cover. No soil-depleting crop shall be harvested in 1938. The land must be so handled as to prevent erosion. Practices A-2 and A-3, seeding temporary pasture, shall not be given credit on the same acreage as A-7.

In future programs, the acreage approved under this practice may be considered as non-crop land.

Land used for credit under this practice shall not be designated as special wind erosion control acreage.

B-1 *Seeding perennial legumes, biennial legumes, and perennial grasses.*—Rate of credit.—1 acre equals 2 units.

Specifications.—Approved varieties of alfalfa for Thomas County include Kansas common, other northern strains of common, Grimm and Ladak. Varieties which are not approved include southern common, peruvian, hairy peruvian, Utah common and all foreign seeds except Canadian grown.

Approved varieties of perennial grasses include western and slender wheat grass, perennial rye grass, Italian rye grass, crested wheat grass, blue hairy and side oats grama, and harvested native perennial grasses.

Sweet clover is the only approved biennial legume.

Fall seedings prior to September 20 will be approved if seedbed is fine and firm and there is a good supply of moisture in the soil.

B-2. *Cultivating, protecting, maintaining, and replacing one acre of forest trees.*—Rate of credit—1 acre equals 2 units.

Specifications. — Cultivating, protecting, maintaining, and replacing one acre of forest trees which were planted between January 1, 1934, and January 1, 1938. One hundred living trees per acre at compliance time shall be considered a good stand.

Cultivation shall consist of at least four cultivations for the period April 1 to August 31.

Trees must be protected from livestock damage.

C-1. *Seeding and establishment of a good stand of biennial legumes, perennial legumes and perennial grasses.*—Rate of credit—1 acre equals 3 units.

Seeding and establishing a good stand of the crops applicable under practice B-1.

C-2. *Control of seriously infested plots of bindweed the second year.*—Rate of credit—1 acre equals 3 units.

Specifications.—Second year means an attempt was made to control the bindweed in 1937.

(a) *Control by chemicals.*—If only a partial kill of bindweed was obtained from the first season's work and a considerable number of old plants remained alive after May 1, the area shall be sprayed again by May 15 with chemicals as recommended in Bulletin 269, "Field Bindweed and Methods of Control," issued July, 1934, by the Agricultural Experiment Station at Manhattan, Kansas.

(b) *Control by cultivation.*—Intensive cultivation shall start as soon as growth has started but not later than May 15, 1938. The soil shall be cultivated every two weeks thereafter during the balance of the season, except when there is no growth due to dry weather in which case the cultivation should be performed as soon as growth begins. Cultivation shall be to a depth of not less than 4 inches.

C-3. *Planting sod pieces of perennial grasses.*—Rate of credit—1 acre equals 3 units.

Specifications.—Buffalo and grama grasses are the two varieties of grass approved for use under this practice. Planting must be made between April 1 and May 31. The sod shall be stripped not less than two inches thick and the blocks shall be not less than four inches square. The sod pieces must be planted in rows not more than 52 inches apart with the pieces not more than four feet apart in the row. A good seed bed must be prepared for the area to be seeded. The sod may be planted in shallow furrows. These must be shallow enough so that the sod will be approximately level with the ground to prevent the sod from being entirely covered during planting operations or from rains.

D-1. *Control of seriously infested plots of bindweed the first year.*—Rate of credit—1 acre equals 8 units.

Specifications.—Control the first year means that no attempt has been made to control the bindweed previous to 1938.

(a) *Control by chemicals.*—First application shall be made between July 15 and September 15, 1938.

Application of the sodium chlorate spray and other requirements shall be as recommended in Bulletin 269, "Field Bindweed and Method of Control" issued July, 1934, by Agricultural Experiment Station, Manhattan, Kansas.

(b) *Control by cultivation.*—An intensive cultivation shall start as soon as a growth has started but not later than May 15, 1938. The cultivation shall be repeated every two weeks thereafter, until the close of the growing season, except where there is no growth due to dry weather in which case the cultivation should be performed as soon as the growth begins. The cultivation should be from four to six inches in depth.

E-1. *Planting forest trees (including shrubs in protective plantings).*—Rate of credit—1 acre equals 5 units.

Specifications.—Species included in the following approved list are applicable:

American Elm.
Chinese Elm.
Honey Locust.
Cottonwood.
Hackberry.
Green Ash.
Osage orange.
Coffee tree.
Mulberry.
Russian Olive.
Wild Plum.
Chokecherry.
Red Cedar.
Western yellow pine.
Austrian pine.
Apricot.

One hundred living trees per acre at compliance time shall be considered a stand. This practice shall not be carried out on soils which local experience has shown will not grow trees successfully.

No planting shall be approved for payment when the total area is less than one acre. A single row of trees 160 rods long may be considered to occupy one acre.

Planting shall be made on a well prepared seedbed, plantings shall be kept free from weeds during the season, and plantings shall be protected from livestock, rodents and from fire damage.

F-1. *Growing cover crops on designated wind erosion acreage.*—Rate of credit—1⅓ acres equal 1 unit.

Specifications.—Sorghums, Sudan grass, broom corn and millets when planted in rows not greater than 44 inches apart, or close drilled; provided, however, (1) that a good growth is attained, (2) that only the heads of such crops are removed, (3) that all the stalks are left on the ground where grown and that the operator's farming plan provides that such stalks be left on the land without pasturing until March 31, 1939, as a protection against wind erosion.

Credit will be given for this practice only towards meeting the wind erosion control goal.

G-1. *Contour tillage during the period November 1 to December 31, 1938, to prevent wind erosion.*—Rate of credit—2 acres equal 1 unit.

Specifications.—Credit for this practice will be given only towards meeting the wind erosion control goal.

Contour tillage will be approved if the tillage is started on a contour line and the line of operation does not deviate from a contour line by more than one percent.

Implements to be used are the double mold board lister or chisel implement. Contour guide lines shall be marked with a ridge. An acceptable ridge is one back furrowed with at least two rounds of a single bottom plow or any equal ridge.

This practice is applicable on cropland only.

H-1. *Contour furrowing or listing noncrop open pasture.*—Rate of credit—2½ acres equal one unit.

Specifications. — Shallow furrows on noncrop land shall be constructed along a contour line. The furrows shall not be more than seven feet apart horizontally. The furrows shall not be less than three inches in depth from the natural ground level, except where a chisel implement is used the depth of the furrow shall be six inches.

H-2. *Tillage during period November 1 to December 31, 1938, to prevent wind erosion.*—Rate of credit—Two and one-half acres equal one unit.

Specifications. — Tillage with double mold board lister or chisel.

Credit for this practice will be given only towards meeting the wind erosion control goal.

This practice is applicable on cropland only.

H-3. *Contour tillage between January 1 to March 15, 1938, to prevent wind erosion.*—Rate of credit—Two and one-half acres equal one unit.

Specifications.—Credit for this practice will be given only towards meeting the wind erosion control goal. Specifications same as practice G-1.

This practice is applicable on cropland only.

H-4. *Planting intertilled crops on the contour.*—Rate of credit—Two and one-half acres equal one unit.

Specifications.—Contour planting of intertilled crops will be approved provided the planting is started on a contour line and the line of operation does not deviate from any contour line by more than one percent. Contour guide lines shall be marked with a ridge.

Contour planting shall not be approved on gullied land unless the gullies are adequately protected by close growing vegetation, terracing, ends of lister furrows turned up hill near the gullies or furrows are blocked to prevent discharge of water into the gullies. When planting operation is performed parallel to terraces, this shall be approved as contour planting.

This practice is applicable on cropland only.

H–5. *Contour ridging of non crop pasture.*—Rate of credit—Two and one-half acres equal one unit.

Specifications.—Contour ridges are small ridges constructed on a contour line on non-crop pasture. The ridges shall not average more than twenty-five feet apart horizontally.

I–1. *Tillage between January 1 to March 15, 1938, to prevent wind erosion.*—Rate of credit—4 acres equal one unit.

Specifications.—Specifications same as practice H–2. Credit for this practice will be given only towards meeting the wind erosion control goal.

This practice is applicable on cropland only.

I–2. *Contour tillage between March 16 to May 1, 1938, to prevent wind erosion.*—Rate of credit—4 acres equal one unit.

Specifications.—Credit for this practice shall be given towards meeting the wind erosion control goal only.

Specifications same as practice G–1.

This practice is applicable on cropland only.

J–1. *Basin tillage when not a part of a seeding operation.*—Rate of credit—Four acres equal one unit.

Specifications.—Basin tillage means tillage with an implement which leaves furrows at least 4 inches in depth dams in the furrows shall not be more than sixteen and one-half feet apart in the furrow and the furrows shall not be more than 4 feet apart. Basin tillage on land having slopes of more than two percent shall not be approved unless the tillage operations are carried out approximately on the contour. A variation in slope of two percent from the true contour line shall be the maximum allowed along a basin furrow to qualify it as being approximately on the contour.

Credit for this practice shall not be given on the same acreage as tillage practices which are given credit towards the wind erosion control goal or on the same acreage as practices A–1, A–5, or A–6.

This practice is applicable on cropland only.

J–2. *Tillage between March 16 and May 1, 1938, to prevent wind erosion.*—Rate of credit—6 acres equal one unit.

Specifications.—Specifications same as practice H–2. This practice can be given credit only towards meeting the wind erosion control goal.

This practice is applicable on cropland only.

J–3. *Planting close drilled crops on the contour when all seed bed operations are performed on the contour.*—Rate of credit—4 acres equal one unit.

Specifications.—Planting of close drilled crops on the contour shall be approved. When all operations of preparing a seedbed and the seeding of the crop are performed parallel to a contour line providing no line of operation deviates in slope more than one percent from the contour line. Contour guide lines marked with a ridge are considered necessary for approval of this practice. When all farming operations are performed parallel to terraces this shall be classified as being on the contour.

This practice is applicable on cropland only.

K–1. *Contouring seeding of small grain crops.*—Rate of credit—6 acres equal one unit.

Specifications.—Contour planting of small grain crops will be approved provided the seeding is started on the contour line and the line of operation does not deviate from any contour line more than one percent. Contour guide lines shall be marked with a ridge. Where the seeding is performed parallel to terrace, this shall be classified as contour seeding.

This practice is applicable on cropland only.

L–1. *Construction of 130 feet linear of standard terrace.*—Rate of credit—130 ft. of terrace equals 1 unit.

Specifications.—A terrace is a broad ridge of earth constructed immediately below and adjacent to a broad shallow water channel, running across the slope in such a manner that it will intercept the runoff water from above the terrace and either absorb and hold this water without overtopping the ridge, or carry it off the field at velocities that will not cause channel erosion. Terraces shall be built to the following minimum dimensions.

Land slope	Total width in feet from upper edge of channel to lower edge of ridge	Distance in feet center of channel to upper edge of channel	Distance in feet center of channel to center of ridge	Distance in feet center of ridge to lower edge of ridge	Vertical height in inches top of ridge above bottom of channel		Width in feet bottom of channel and width for top of terrace ridge
					Immediately after constructing	After settling	
0 to 2½	44	14	16	14	18	12	4
2½ to 5	32	10	12	10	18	12	4
5 to 7½	26	8	10	8	18	12	4
7½ to 10	24	7½	9	7½	18	12	3

A maximum variation of 10 percent from the above dimensions will be allowed.

In general, a variable grade from 0 to 4 inches of fall per 100 feet towards the outlet shall be used. Grades may vary with length of terrace, local rainfall conditions, and soil type. Terraces may be built on the contour in highly pervious soils and in clay pan soils the terrace grade may be as much as 5 inches per 100 feet. Terrace spacing shall average not more than 5 feet vertically nor more than 200 feet horizontally from center to center of adjacent terrace channels. The first terrace shall not intercept water from more than 4 acres of drainage area.

When more than 4 acres of drainage is intercepted and diverted, the water carrying capacity of the channel shall be increased as found necessary and the resulting ditch and ridge shall be known as an interception ditch. When interception ditches are constructed to terrace dimensions or larger they may be approved under this section.

Adequate provisions shall be made to handle runoff water from terraces in such a manner that no serious erosion will occur in the vicinity of the outlet. The following methods will be approved:

(a) Outlets on permanent pasture sod, meadow sod, or woodland cover, when the water will spread widely over the ground and will not concentrate on definite channels or flow back into the field.

(b) Outlets on well sodded meadow strips 6 rods, or wider, if necessary to prevent concentration of water at ends of fields or adjacent to draws or gullies in the interior of fields when the flow of water from each terrace will spread over the sod and will not concentrate in definite channels or flow back into the field.

(c) Outlets without definite overfall into ditches when ditches are of sufficient capacity to handle the runoff water and when such ditches are adequately protected from erosion by paving, sod cover, or structures built with concrete, masonry, or other durable materials. (See table, page 39 Kansas Extension Bulletin 70 Revised.)

(d) Outlets that are more than one foot below the channel elevation at the end of a terrace shall have some type of structure made of durable material to drop the runoff water to the lower elevation without danger of erosion.

(e) Outlets other than the above shall be approved only after recommendations are secured from the State Committee.

This practice is applicable on cropland only.

L–2. *Reseeding depleted pastures.*—Rate of credit—5 pounds of seed equal one unit.

Specifications.—Approved varieties of grasses include western and slender wheat grass; perennial rye grass; Italian rye grass; crested wheat grass; blue hairy and side oats grama; and native harvested perennial grasses. Maximum credit per acre shall not exceed two units.

L–3. *Restoration of non crop open pasture by non grazing.*—Rate of credit—20 acres for one month equal one unit.

Specifications.—Restoration of twenty acres of non-crop open pasture by non-grazing for one month during the period April 1, 1938, to October 1, 1938, providing (1) non-grazing is adopted for three consecutive months, (2) period of non-grazing is continuous, (3) any other non-crop pasture which is being grazed in the farming unit is not grazed in such a manner as to injure the forage or watershed in such non-crop pasture.

L–4. *Removing cactus plants from non crop pasture land.*—Rate of credit—One cubic yard equals one unit.

Specifications.—Cactus plants shall be cut below the crown of the plant, removed from the pasture, and put into ricks for the purpose of burning.

L–5. *Construction of reservoirs and dams.*—Rate of credit—Seven cubic yards of material moved equals 1 unit.

Specifications.—A dam is an embankment of earth placed across the course of a drainage way in such a manner that the resulting reservoir will hold water and form a pond. The constructions shall conform to the following: For dams which are less than 10 feet high, the top width shall be at least 6 feet. The downstream slope of the embankment shall be not steeper than 2 feet horizontally to one foot vertically, and the upstream slope shall be not steeper than 3 feet horizontally to one vertically. All reservoirs shall be at least 5 feet deep in the deepest portion when measured from the elevation of the spillway floor. The lowest point on the top of the dam shall be at least 3 feet higher than the floor of the spillway section used to secure the area required in the following table: Spillways for small drainage areas shall be at least 6 feet wide at the bottom of the channel. Minimum widths required for various drainage basins up to one-half square mile are shown in the following table:

Drainage area—Acres	1	5	10	20	30	40	50	60	70	80	90	100	125	150	175	200	250	300	320
Minimum width of spillway—Feet	6	6	6	6	6	8	11	13	16	18	20	23	26	28	31	34	39	45	47

Dams which are more than 10 feet high when measured from the bed of the stream to the top of the dam or those which impound more than 15 acre feet of water or receive water from a drainage area of more than 320 acres shall not be approved unless prior approval is secured from the State Division of Water Resources, Topeka, Kansas. In cases of this kind, dams must be built strictly in accordance with specifications contained in the State Board of Agriculture Bulletin #213–B and Supplements, entitled, Dams of Dry Water Courses.

The dam shall be placed on compact, solid earth. Muck, stones, roots, sod, and other vegetative materials shall be removed from the base to be occupied by the dam before the embankment is started. This base shall be plowed or otherwise furrowed to provide bond before the first layer of the dam is placed. When the soil below the base of the dam is of porous material, a core-wall of puddled clay at least 3 feet wide shall be built along the center line of the dam or another type of impervious wall may be used. This core-wall shall extend through the porous material into the firm soil below at least 2 feet and up into the dam at least 3 feet. The material for the dam shall be clean and free from stones or vegetative materials. It is desirable that the embankments be placed in successive horizontal layers not over 6 inches thick for the full width and this thickness be more than 1 foot. The inner slope of the dam on ponds having a surface area of over 1 acre shall be protected from wave action by rock rip-rap, board or pole fencing, brush or timber securely staked in place, or by other applicable methods. A fence, capable of turning all livestock, shall enclose the dam and the spillway. Pipes through a dam, if used, shall be laid in a trench excavated below the natural ground level or below the surface of the embankment at any level during construction. At least two concrete collars 2 feet square shall be placed around the pipe approximately at the third points across the dam. The backfill into the trench shall be carefully tamped to prevent seepage along the pipe. (*Recommended but not required.*) The State Technical Committee strongly recommends fencing the entire pond and urges that cooperators adopt this practice even though it is not required for payment.

SEC. XIII. *Normal yields and productivity indexes.*—A. *Normal yields of special soil-depleting crops.*—The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat acreage allotment is to be established a normal yield for wheat in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. *Wheat.*—(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If, for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

B. *Productivity indexes.*—The Secretary shall establish a county productivity index or per-acre rate on the basis of the productivity of the cropland in the county devoted to the production of general soil-depleting crops as compared with the productivity of cropland in the United States devoted to the production of such crops

A productivity index or rate per acre shall be established in accordance with instructions issued by the Agricultural Adjustment Administration for each farm by the county committee, subject to the approval of the State committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of a crop that reflects the productivity of the farm may be used provided that the productivity index or rate per acre for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms in the county shall not exceed 100 or the county per-acre rate, respectively, unless it is determined that farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from 100 or the county per-acre rate is approved by the Agricultural Adjustment Administration.

SEC. XIV. *Appeals.*—Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

SEC. XV. *Bulletins, instructions, and forms.*—The Agricultural Adjustment Administration shall prepare and issue such bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program in Thomas County, Kansas.

SEC. XVI. *Definitions.*—For the purposes of the 1938 Agricultural Conservation Program.

Secretary means the Secretary of Agriculture of the United States.

Regional Director means the director of the Western Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Western Region.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

State Committee means the group of persons designated within the State to assist in the administration of the 1938 Agricultural Conservation Program in the State.

County Committee means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

County means the political or civil division of a State designated as a county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

Cropland means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, but including any other land which has been planted since January 1, 1934 to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

Noncrop Open Pasture means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

General Soil-Depleting Crops means all soil-depleting crops other than sugar beets and those for which individual crop acreage allotments are established on the farm.

Animal Unit means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

Done at Washington, D. C. this 27th day of June 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1843; Filed, June 28, 1938; 11:14 a. m.]

[ACP—1938—Weber and Davis Counties, Utah]

1938 AGRICULTURAL CONSERVATION PROGRAM FOR WEBER AND DAVIS COUNTIES, UTAH

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INTRODUCTION

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1938, payments and grants of aid will be made in Weber and Davis Counties, Utah, for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation. The rates of payment and deductions specified herein which may be made in Weber or Davis County are subject to an increase or decrease of not more than 10 percent depending upon the extent of participation in Weber County or Davis County, as the case may be, under this program and the final estimate of payments which would be made in Weber County or Davis County, whichever is applicable, under the 1938 Agricultural Conservation Program.

The provisions of the 1938 Agricultural Conservation Program as contained in this bulletin are applicable only in Weber and Davis Counties, Utah.

PART I.—1938 AGRICULTURAL CONSERVATION PROGRAM

SECTION I. *County acreage allotments and goals.—A. County acreage allotments of soil-depleting crops.*—The Agricultural Adjustment Administration with the assistance of the State committee shall establish for Weber County and for Davis County, county acreage allotments for total soil-depleting crops, and for wheat and potatoes, as hereinafter set forth. The soil-depleting acreage allotments for Weber and Davis Counties shall not exceed their prorata share of the applicable acreage allotments established for the State by the Secretary except as otherwise provided in this bulletin.

1. *Total soil-depleting acreage allotments.*—County acreage allotments of total soil-depleting crops shall be established for Weber County and for Davis County by distributing their proportionate part of the State acreage allotment of total soil-depleting crops between such counties on the basis of the average acreage of soil-depleting crops grown in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments for individual soil-depleting crops.

2. *Wheat acreage allotments.*—County acreage allotments of wheat for Weber and Davis Counties shall be established by distributing their proportionate part of the State acreage allotment of wheat pro rata between such counties on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in either such county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in either such county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

3. *Potato acreage allotments.*—County acreage allotments of potatoes for Weber and Davis Counties, designated as commercial potato-producing counties, shall be established by distributing their proportionate part of the State acreage allotment of potatoes between such counties pro rata on the basis of the average acreage devoted to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms in such counties.

B. *County soil-building goals.*—Insofar as practicable, county goals for Weber and Davis Counties shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent wind and water erosion.

SEC. II. *Farm acreage allotments and goals.*—The county committee for Weber County, and the county committee for Davis County, with the assistance of local committees in each such county, shall determine acreage allotments and soil-building practice goals for Weber and Davis Counties, respectively, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The sum of the soil-depleting acreage allotments determined for all of the farms in each such county shall not exceed the applicable county acreage allotment established by the Agricultural Adjustment Administration for each such county, and the sum of the acreage allotments for farms furnishing required forms and information in each such county shall not exceed its proportionate share of the county acreage allotment.

A. *Soil-depleting acreage allotments.*—1. *Total soil-depleting acreage allotment.*—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

2. *Wheat allotment.*—Acreage allotments of wheat shall be determined for farms on which wheat has been seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 percent of the county wheat acreage allotment for any county shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

3. *Potato allotment.*—In Weber and Davis Counties, designated as commercial potato-producing counties, allotments shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato acreage allotment shall be less than three acres. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

B. *Soil-building goal.*—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section III, Subsection B, with respect to the acreage of cropland for which a payment of 70 cents per acre is computed and the commercial vegetable acreage, commercial orchards, and non-crop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

C. *Posting of acreage allotments.*—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

SEC. III. *Payment for full performance.*—Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

A. *Soil-depleting acreage allotments.*—1. *Wheat.*—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under Subsection B of Section XI.

2. *Potatoes.*—3.6 cents per bushel of the normal yield of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

B. *Payments in connection with soil-building practices.*—1. 70 cents per acre of cropland on the farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat and potato acreage allotments established for the farm; (2) the acreage of sugar beets planted on the farm in 1938; and (3) the normal acreage of summer fallow for the farm, not in excess of the wheat acreage allotment established for the farm.

2. $1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. $2.00 per acre of commercial orchards on the farm January 1, 1938.

4. (a) 3 cents per acre of noncrop open pasture land plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture.

SEC. IV. *Payments for partial performance.*—Payments computed for any farm under the provisions of Section III shall be subject to all the following deductions which are applicable to the farm.

A. *Deductions for excess acreages of soil-depleting crops.*—1. *Potatoes.*—(a) 10 times the payment rate specified in Section III for the normal yield for the farm on the acreage by which the acreage of potatoes exceeds the potato acreage allotments established for the farm, and on farms for which potato acreage allotments are not established on each acre by which the acreage of potatoes for market exceeds three acres.

2. *Total soil-depleting acreage allotments.*—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under item 1 of this subsection A:

(a) 5 times the rate of payment with respect to the wheat acreage allotment if a payment is computed for the farm under Section III with respect to a wheat acreage allotment.

(b) $4.00 per acre if a payment is computed for the farm under Section III with respect to a potato acreage allotment but no payment is computed for the farm under Section III with respect to a wheat acreage allotment.

B. *Deductions for failure to carry out soil-building practices.*—1. $1.50 for each unit by which the soil-building goal is not reached.

SEC. V. *Division of Payments and Deductions.*—A. *Payments and deductions in connection with acreage allotments.*—The net payment or net deduction computed for any farm with respect to the wheat or potato acreage allotment shall be divided among the landlords and tenants in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the wheat or potatoes, respectively, grown on the farm in 1938.

The total amount of deductions computed under Section IV with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 2, subsection A); shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under Section III in connection with a wheat acreage allotment; (b) as prorata deductions with respect to the payments computed under Section III in connection with crop acreage allotments on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under Section III in connection with crop acreage allotments, provided, that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that wheat or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords and tenants in the same proportion that the county committee determines that such person would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been reduced.

B. *Payments with respect to soil-building practices.*—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord or tenant who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. *Proration of net deductions.*—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

SEC. VI. *Increase in small payments.*—The total payment computed under Sections III to V inclusive for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1.00 to $1.99	$0.40	$32.00 to $32.99	10.40
$2.00 to $2.99	0.80	$33.00 to $33.99	10.60
$3.00 to $3.99	1.20	$34.00 to $34.99	10.80
$4.00 to $4.99	1.60	$35.00 to $35.99	11.00
$5.00 to $5.99	2.00	$36.00 to $36.99	11.20
$6.00 to $6.99	2.40	$37.00 to $37.99	11.40
$7.00 to $7.99	2.80	$38.00 to $38.99	11.60
$8.00 to $8.99	3.20	$39.00 to $39.99	11.80
$9.00 to $9.99	3.60	$40.00 to $40.99	12.00
$10.00 to $10.99	4.00	$41.00 to $41.99	12.10
$11.00 to $11.99	4.40	$42.00 to $42.99	12.20
$12.00 to $12.99	4.80	$43.00 to $43.99	12.30
$13.00 to $13.99	5.20	$44.00 to $44.99	12.40
$14.00 to $14.99	5.60	$45.00 to $45.99	12.50
$15.00 to $15.99	6.00	$46.00 to $46.99	12.60
$16.00 to $16.99	6.40	$47.00 to $47.99	12.70
$17.00 to $17.99	$6.80	$48.00 to $48.99	12.80
$18.00 to $18.99	7.20	$49.00 to $49.99	12.90
$19.00 to $19.99	7.60	$50.00 to $50.99	13.00
$20.00 to $20.99	8.00	$51.00 to $51.99	13.10
$21.00 to $21.99	8.20	$52.00 to $52.99	13.20
$22.00 to $22.99	8.40	$53.00 to $53.99	13.30
$23.00 to $23.99	8.60	$54.00 to $54.99	13.40
$24.00 to $24.99	8.80	$55.00 to $55.99	13.50
$25.00 to $25.99	9.00	$56.00 to $56.99	13.60
$26.00 to $26.99	9.20	$57.00 to $57.99	13.70
$27.00 to $27.99	9.40	$58.00 to $58.99	13.80
$28.00 to $28.99	9.60	$59.00 to $59.99	13.90
$29.00 to $29.99	9.80	$60.00 to $185.99	14.00
$30.00 to $30.99	10.00	$186.00 to $199.99	(1)
$31.00 to $31.99	10.20	$200.00 and over	(2)

[1] Increase to $200.00.
[2] No increase.

SEC. VII. *Deductions incurred on other farms.*—A. *Other farms in the same county.*—If the deductions computed under Section IV with respect to any farm in a county exceed the payment for full performance on such farm computed under Section III, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

B. *Other farms in the State.*—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceeds the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

SEC. VIII. *Deduction for association expenses.*—There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. IX. *General provisions relating to payments.*—A. *Payment restricted to effectuation of purposes of the program.*—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs; (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices. If on any farm for which no wheat or potato acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 2 (b) of subsection A of Section IV shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

B. *Payment computed and made without regard to claims.*—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section IX) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.*—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of share tenants in 1938 is less than the average number of the farm during the years

1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any Agricultural Conservation Program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

D. *Assignments.*—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP–69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section IX shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. *Excess cotton acreage.*—Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the seeding of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

F. *Use of soil-conserving crops for market.*—No payment will be made with respect to any farm unless on such farm in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1938; *Provided,* That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XI hereof.

SEC. X. *Application for payment.*—A. *Persons eligible to file applications.*—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section V a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

B. *Time and manner of filing application and information required.*—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. *Applications for other farms.*—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms. Upon request by the State commitee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

SEC. XI. *Soil-depleting crops.*—Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting.

A. Land planted to the following crops for harvest in 1938:

1. Corn (including field corn, sweet corn, and popcorn, but excluding sown or close-drilled corn used as a cover crop or green manure crop.)
2. Grain sorghums.
3. Sugar beets.
4. Commercial mustard.
5. Broomcorn.
6. Mangels and cowbeets.
7. Cultivated sunflowers.
8. Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
9. Potatoes.
10. Bulbs and flowers.
11. Safflower.
12. Field beans.
13. Canning peas.

B. Land planted to wheat harvested for grain or hay in 1938 or any other land planted to wheat between August 1, 1937, and July 31, 1938, except—

1. When the acreage is seeded to true type winter wheat in the spring of 1938 (prior to June 15) on non-irrigated cropland and such crop is used only as a pasture or cover crop; or

2. When the acreage of such crop is used as a green manure crop in orchards, on commercial vegetable or potato land.

C. Land planted to oats, barley, rye, flax, emmer, speltz, or mixtures of these crops between August 1, 1937, and July 31, 1938, except—

1. When a good stand and good growth of such crop is used as a green manure crop in orchards, on commercial vegetable land, potato land or on irrigated land; or

2. When such crop is used as a nurse crop and is not harvested for grain or hay, or is used as a cover crop and is not harvested for grain or hay, and is not allowed to mature as grain.

D. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, millet, or sown or close-drilled corn harvested for grain, seed, sirup, silage, or forage.

E. Land planted in 1938 to field peas harvested for peas or soybeans harvested for seed for crushing. Field peas or soybeans hogged off will be deemed to be harvested.

F. Land summer-fallowed; *provided*, however, that if such summer-fallowed acreage is seeded in 1938 to perennial grasses or perennial legumes in accordance with good farming practice such acreage shall not be classified as soil-depleting.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If one or more of such crops reach maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crop is harvested for canning and field corn, sweet corn, and popcorn hogged off or cut for silage, fodder or other similar uses, will be deemed to have reached maturity.

Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

SEC. XII. *Soil-building practices.*—The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in the areas designated and in accordance with the following specifications and such revision thereof or addition thereto as may be issued by the Regional Director or by the State Committee with the approval of the Regional Director. Each practice must be carried out in accordance with the individual specifications applicable thereto and such of the general specifications as apply.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

General Specifications

(1) Seed used for or in connection with any seeding practice must be good clean seed free of noxious weeds and of good quality.

(2) All soil-building practices, including minimum seeding rates and methods of seeding, unless otherwise specified under the individual practice, shall be such as are determined by the County Committee to be in accordance with the generally accepted good farming practice in the county.

(3) Any seeding practice involving the use of red clover, either alone or in mixtures, requires that only adapted red clover seed be used. Any seeding practice involving the use of alfalfa seed, either alone or in mixtures, requires that only adapted alfalfa seed be used. Clover and alfalfa seed grown in the United States or Canada will be regarded as adapted except when grown in the following States or areas: Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Missisippi, New Mexico, North Carolina, Nevada, South Carolina, Tennessee, Texas; the area west of the Cascade Mountains in Washington and Oregon, or in Yakima or Klickitat Counties, Washington, unless certified by the State Pure Seed Growers Association of the State where the seed was grown; that area of Oklahoma including the counties of Roger Mills, Dewey, Blaine, Kingfisher, Logan, Payne, Creek, Okmulgee, Wagoner, Cherokee, Adair, and all counties south of those counties.

(4) Approval of a soil-building practice carried out on the same land as another soil-building practice shall not be approved for payment by the County Committee unless the carrying out of more than one practice on the same land is authorized in practice specifications.

(5) The term "good stand" when used in connection with seeding practices shall mean a stand which would produce a normal crop without any reseeding.

(6) The soil-building practices listed below are applicable in both Weber and Davis Counties, Utah, and may be carried out on cropland and non-crop land unless otherwise provided in any individual practice or the specifications applicable to such individual practice.

Schedule of Soil-Building Practices

PRACTICE A-1. *Application of 300 pounds of 16 percent superphosphate (or its equivalent) except that no credit will be allowed when such application is made in connection with a soil-depleting crop.*—Rate of credit—one unit.

Credit may be given for this practice in addition to credits given for practice A-14 carried out on the same land.

Specifications.—Application of 112 pounds of 43 percent treble superphosphate to, or in connection with the seeding of perennial or biennial legumes, perennial grasses, or permanent pasture.

Credit may be given for this practice in addition to credits given for practices A-7 or B-1 carried out on the same land.

PRACTICE A-5. *Construction of 200 linear feet of standard terrace for which proper outlets are provided*.—Rate of credit.—one unit.

Specifications.—(a) Terraces must be constructed so as to effectively control soil erosion or conserve moisture on the area involved. The work should preferably be done under supervision of a competent engineer. Terraces on dry land should be from 15 to 20 feet wide (the steeper the soil the narrower the terrace) and 18 inches high when settled, with sufficient grade to carry to the outlet. The length of a terrace should not exceed 1,800 feet. The vertical drop between terraces shall be approximately three feet on a 4% slope, 3½ feet on a 6% slope, 4 feet on an 8% slope, and 4½ feet on a 10% slope. Each terrace must have an outlet of such character to prevent erosion at the outlet.

(b) When terraces are constructed on irrigated land plans must be approved in advance by the county committee, and the practice must be carried out in accordance with good farming and irrigation practices for the locality. The grade of the terrace shall not be greater than 1½ percent.

Credit may be given for this practice in addition to credits given for practice A-14 carried out on the same land.

PRACTICE A-6. *Construction of reservoirs and dams—15 cubic yards of material moved in making the fill or excavation*.—Rate of credit—fifteen cubic yards moved equals one unit.

Specifications.—Construction of Reservoirs and Dams.—In the construction of small dams involving the placement of 15 cubic yards or less of earth fill, particular attention should be given to the type of soil; sloping of gully banks to at least the slope of repose of the parent material; an adequate bond between the earth fill and the native soil must be insured. Ordinarily, an impervious core wall will not be required on small dams of this type, but excavation for the base of the dam should be carried at least 2 feet below the bed of the gully and an excavation of equal depth should be made into the gully banks in order to provide a suitable bond between the fill material and the parent earth. The foundation of the dam shall be stripped of all loose material and burmas, and the fill tied securely to the original earth. Excavation for fill material should be made from the reservoir and placed in the fill in layers of uniform thickness, not exceeding six inches in depth. Each layer should be thoroughly compacted by the trampling of teams or by the constant operation of a tractor or equally heavy equipment. Slope of the upstream side of the dam should not be less than 3:1 and slope of the downstream side of the dam should be not less than 2:1. Slopes of dams shall be adequately protected. Width of the crest of the dam should be not less than one-half of the height measured from the gully bottom to the top of the crest, with a minimum crest width of four feet. Freeboard should be at least 3 feet above the maximum stage when the spillway is discharged at the designed flood rate. Spillways must be provided which will adequately handle the estimated maximum flood discharge in accordance with recognized hydraulic practices. Spillways not lined with wood, stone or concrete shall be sodded or heavily grassed. Upon request of county agricultural agents, representatives of the Soil Conservation Service may be made available to assist cooperating farmers in working out proper practices in specific problem areas.

Prior approval of this practice by the county committee is required. Fencing may be required by the county committee. Dams are not to be constructed on active streams, nor on intermittent streams in excess of three miles of length. Practice is not applicable on sandy soils. The purpose of this practice is for stock-watering and erosion control. Such reservoirs cannot be used for irrigation.

PRACTICE A-7. *Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—ten pounds of seed*.—Rate of credit—ten pounds of seed equals one unit.

Specifications.—(a) Applicable grasses and legumes are as follows: Mixtures of alfalfa, sweet clover, alsike clover, white clover, Kentucky blue grass, smooth brome grass, meadow fescue, perennial rye grass, tall meadow oat grass, orchard grass, crested wheat grass, Reed's canary grass; under dry land conditions crested wheat grass may be seeded alone.

The following seed mixtures recommended by the Utah State Experiment Station, are approved for Weber and Davis Counties, Utah:

	Amount (lbs.)
No. I. For good, well-drained irrigated land:	
Smooth brome grass	4
Orchard grass	4
Meadow fescue	3
Perennial rye grass	3
Kentucky blue grass	4
White clover	3
Alsike clover	2
No. II. For damp, fertile soils:	
Redtop	3
Meadow fescue	4
Perennial rye grass	4
Orchard grass	4
White clover	2
Alsike clover	4
Kentucky blue grass	3
No. III. For damp, slightly alkali soils:	
Redtop	3
Meadow fescue	4
Orchard grass	4
White sweet clover	3
Yellow sweet clover	3
No. IV. Bench land with irrigation water:	
Smooth brome grass	4
Orchard grass	4
Kentucky blue grass	6
White clover	3
Alsike clover	2
No. V. Bench land with very little irrigation water:	
Slender wheat grass	5
Crested wheat grass	5
Western wheat grass	5

Credit may be given for this practice in addition to credits given on practices A-1 or A-13 carried out on the same land.

PRACTICE A-10. *Application of not less than two tons, air dry weight, of straw, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land*.—Rate of credit—application of two tons of mulching material equals one unit.

Specifications.—When straw or hay is applied in winter or early spring, it is recommended that this practice be followed immediately by an addition of three pounds of ammonium sulphate to each bearing plum, prune, apricot, or cherry tree or five pounds for each bearing apple or pear tree.

PRACTICE A-13. *Restoration of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a twelve-month period*.—Rate of credit—one unit.

Specifications.—(a) The normal pasture season will be from the start of forage growth to seed maturity with a minimum period of four months during which period no livestock shall be grazed on the deferred pasture.

(b) On land on which cattle or horses are grazed the area to be restored by nongrazing must be fenced sufficiently to prevent the entry of livestock.

(c) On land used exclusively for grazing sheep either the area to be restored is fenced and the fence sufficiently maintained to prevent the entry of livestock or the entry of livestock is prevented by herding.

(d) The remaining noncrop open pasture land on such farm shall not be pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed.

(e) The operator shall submit to the county committee in writing the designation of the area to be restored by nongrazing previous to carrying out such practice.

Credit may be given for this practice in addition to credit given for practice A-7 carried out on the same land.

PRACTICE A-14. *Prevention of soil erosion and leaching of irrigated cropland*

and orchard land by control of the application of irrigation water.—Rate of credit—One acre equals one unit.

Specifications.—1. The operator must obtain approval to use this practice from the county committee before the first irrigation.

2. Water distribution system and control structures with respect to any farm must be such as to make possible adequate control and measurement of irrigation water applications. Structures described in Utah Extension Service Bulletin New Series 69, or types of structure which have prior approval of the State committee, shall be deemed to be adequate.

3. Credit will be given for the acreage in fields on which there is no erosion or leaching resulting from excessive applications of irrigation water or from too frequent applications thereof on the area approved for this practice as evidenced by:

a. The absence of silt deposits at the end of irrigation runs,

b. No eroded furrows not leveled out or which will not level out at the next cultivation, when the furrow method of irrigation is practiced,

c. No gullies washed when other than the furrow method of irrigation is practiced, and

d. No evidence of excessive run-off or waste water from the field irrigated.

4. Accurate and complete records of all irrigations with respect to any farm shall be kept on forms supplied by the State committee and approved by the Director of the Western Division, these records to be made available for inspection by authorized representatives of the State or county committees at any time prior to the submission of such records to the county committee as a compliance requirement.

5. Credit for this practice shall not be recommended by the county committee if it determines from an examination of the irrigation records or from other evidence that irrigations with respect to any farm have been excessive or too frequent to be consistent with good farming practice.

Credit may be given for this practice in addition to credits given for practices A-1, A-5, A-10, B-1, B-3, C-6, D-2, E-2 or E-3 carried out on the same land.

PRACTICE B-1. *Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy or redtop) containing perennial grasses, perennial legumes, or biennial legumes.*—Rate of credit—One acre equals one unit.

Credit may be given for this practice in addition to credits given for practices A-1 or A-14.

Specifications.—(a) Seeding alfalfa, sweet clover, alsike clover, white clover, Kentucky blue grass, smooth brome grass, meadow fescue, perennial rye grass, tall meadow oat grass, orchard grass, crested wheat grass and Reed's canary grass, or mixtures of legumes or perennial grasses named under A-4 above.

(b) For seeding on cropland in 1938, biennial sweet clover, alsike clover, orchard grass, or mixtures of timothy or redtop and legumes; provided such mixtures do not have a predominance by weight of timothy and/or redtop.

(c) Sweet clover, yellow or white, alsike clover or mixtures of timothy, redtop and biennial or perennial legumes, which mixtures do not have a predominance of timothy and/or redtop, may be sown.

(d) It is recommended that either yellow or white sweet clover be sown on irrigated land in Weber and Davis Counties, Utah, but that only yellow sweet clover be sown on dry land.

(e) This practice limited to cropland and orchard land.

PRACTICE B-3. *Green manure and cover crops (excluding lespedeza and any crop for which credit is given in 1938 under any other practice).*—Rate of credit—one acre equals one unit.

(a) *Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion.*—Crops applicable are: annual and biennial legumes, cereals (except wheat) and other crops commonly used as green manure (except perennial legumes, and perennial grasses).

The amount of such green growth to be turned under shall equal or exceed approximately one ton of air-dried material per acre. Crops to be turned under must be in a green succulent condition when turned under.

The above crops shall be utilized as green manure crops only on irrigated land and on orchards and on commercial vegetable and potato land.

(b) *Cover crops.*—A good growth and good stand of crops listed in (a) above may be left on the land in orchards, or on commercial vegetable or potato land as cover crops if not pastured or used for grain, hay, seed or forage.

Credit may be given for this practice in addition to credit given for practice A-14.

PRACTICE C-3. *Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1934, and January 1, 1938.*—Rate of credit—One acre equals two units.

Specifications.—Two cultivations per season with suitable farm implements; the trees to be enclosed with fence to protect them from livestock. Replanting must maintain a minimum of 200 living trees per acre. The trees to be irrigated, if possible, when in need of irrigation water.

PRACTICE C-6. *Green manure crops of which a good stand and a good growth is plowed or disced under on farms on which the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the potato acreage allotment established for the farm.*—Rate of credit—One acre equals two units.

Specifications.—Crops applicable as green manure are annual and biennial legumes (except lespedeza), cereals (except wheat) and other crops commonly used as green manure (except perennial legumes and perennial grasses). The amount of green growth to be turned under shall equal or exceed approximately one ton of air dried material per acre.

Credit may be given for this practice in addition to credit given for practice A-14.

PRACTICE D-1. *Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.*—Rate of credit—One acre equals five units.

Specifications.—Species to be considered as forest trees or shrubs for protective planting: Russian olive, Siberian elm, Eastern red cedar, Green ash, Siberian pea tree, Black locust, Honey locust. Minimum spacing, 12 feet for conifers, 8 feet for hardwood species in rows, these rows to be spaced at a minimum of 8 feet. Trees to be staggered in adjoining rows, planting to be done in a workmanlike manner in the spring of 1938 in ground properly prepared for the planting of trees, preparation of ground to be done previously by plowing.

There shall be a minimum of 300 trees and/or shrubs per acre on land properly prepared for planting.

PRACTICE D-2. *Control of seriously infested plots of perennial noxious weeds on cropland in organized weed control districts, in accordance with good chemical or tillage methods.*—Rate of credit—One acre equals five units.

Specifications.—Approved chemical methods include the application at the rate of 2 pounds of sodium chlorate or 2 pounds of atlacide per square rod in the first application. Chemicals may be applied as a spray or a dust and should be applied to the plant preferably in the bloom stage. The second application of chemicals should be made if and when the weeds reappear, this application to be at the rate of 1 pound per square rod.

Approved tillage methods include the preparation of the ground by deep plowing so that cultivation may be readily effected. Cultivation should begin early in the spring and continue at 5 to 15 day intervals, the length of interval being determined by the dampness and fertility of the soil. That is, the more fertile, damper soils where the rate of growth is more rapid, and particularly in the spring of the year, cultivation should be more frequent than later in the season, or on poor dry soils. Cultivation should be done with effective weeders that cut off rather than mash the weeds along the ground.

Noxious weeds which may be cultivated under these practices include Russian Knapweed, white top, morning glory or bind weed, Canada thistle, leafy spurge.

An organized weed control district is an area defined under State statute as an area wherein designated officials are authorized to require effective weed control practices to be instituted on all land on which such practices are necessary to control or eradicate noxious weeds in such area, or any other organized area comprising all or a part of a county wherein the State committee finds that effective weed control practices will be instituted on all land on which such practices are necessary to control or eradicate noxious weeds in such area.

Credit may be given for this practice in addition to credits given for practice A-14.

PRACTICE E-2. *Renovation of perennial legumes and mixtures of perennial grasses and legumes.*—Rate of credit—two acres equal one unit.

Specifications.—One year old alfalfa and/or mixtures of perennial grasses and perennial legumes, by cultivation to a minimum depth of two inches shall qualify, providing the area is reseeded at a rate of not less than four pounds per acre. Irrigation must not follow this practice until all dislodged weed roots have been exposed long enough to completely die. Approval of this practice by the county committee is required prior to performance. This practice limited to cropland.

Credit may be given for this practice in addition to credits given for practice A-14.

PRACTICE E-3. *Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.*—Rate of credit—two acres equal one unit.

Specifications.—It is recommended that these crops be seeded only in meadows having sufficient water. Seeding must be done in a workmanlike manner on a fine well-mulched seed bed.

Credit may be given for this practice in addition to credits given for practice A-14.

PRACTICE F-3. *Contour-listing or furrowing noncrop land.*—Rate of credit—four acres equal one unit.

Specifications.—Contour-listing consists of running a furrow with a corn lister, or other suitable implement, at right angles to the direction of the slope.

If the contour-listing is done with a view that the furrows shall retain all of the moisture that falls, the lister furrows shall be spaced close together. If the furrowing is done with a view only of retaining the moisture for a short period or to slow up its descent the furrows may be spaced farther apart. In this latter event the furrows should be of the discontinuous type wherein the lister is lifted out of the ground about every fifty feet along the length of the furrow and is allowed to remain out of the ground each time of lifting for a distance of about ten feet. The next furrow below each other furrow shall be listed in such a manner that the fifty foot listed section falls imediately below the non-listed space of the upper furrow. This creates a checkerboard pattern which causes the runoff water to work back and forth between openings in the furrows.

In contour-listing a small acreage, it is usually advisable to space either lister furrows or contour plow furrows very close together in order to retain all of the moisture that falls and to allow it to soak into the ground. This is especially true where there is no stand of perennial vegetation, under which condition some reseeding with grass or other perennial species should accompany the listing operations. When land that has a sparse vegetative cover is contour furrowed, it is usually good practice to space the furrows farther apart and make them of the discontinuous type. By spacing the furrows farther apart where there is a sparse stand of vegetation little of the native stand is disturbed and the accumulated moisture, due to the contour furrows, gives it an excellent chance to make a hurried vegetative come-back by natural reseeding or spreading by underground roots depending on the type of vegetation present.

Before institution of the practice of contour-listing or furrowing non-crop land the prior approval of the county committee, including plans and specifications, must have been obtained. Furrows shall be run on the contour. Furrows shall be at least 4 inches in depth below the original ground level, not less than 8 inches wide and spaced not more than 20 feet apart.

PRACTICE F-5. *Protecting summer-fallowed acreage from wind and water erosion by incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to serious wind erosion.*—Rate of credit—four acres equal one unit.

Specifications.—Protecting summer fallow by incorporating sufficient small-grain stubble and straw into the surface soil to prevent wind and water erosion. All tillage implements used for incorporating the straw or trash into the surface soil shall leave the surface rough and shall leave the stubble and trash on and near the surface and no straw or stubble shall be burned or destroyed by other methods.

Credit may be given for this practice in addition to credit given for practice I-1.

PRACTICE I-1. *Contour seeding of small-grain crops.*—Rate of credit—ten acres equal one unit.

Specifications. — Contour seeding of small-grain crops in 1938 at right angles to the prevailing slope of the ground and on ground having a minimum slope of 2% average. Drill rows should not deviate from any contour line more than one percent. At the time performance is checked, at least 95% of the area should meet the foregoing specifications with respect to contour lines. The practice must be carried out according to specifications on an entire field if the field is to qualify.

Credit may be given for this practice in addition to credit given for practice F-5 carried out on the same land.

SEC. XIII. *Normal yields and productivity indexes.*—A. *Normal yields of special soil-depleting crops.*—The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat or potato acreage allotment is to be established a normal yield for each crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. *Wheat.*—(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields for all farms in the county (weighted respectively by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

2. *Potatoes.*—(a) The normal yield of potatoes for any farm shall be the yield which may reasonably be expected from the land devoted to the production of potatoes in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of potatoes customarily

secured on the farm. The average yield for all farms in any county with respect to potatoes shall not exceed the county average yield for potatoes established by the Secretary.

SEC. XIV. *Appeals.*—Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

SEC. XV. *State and regional bulletins, instructions, and forms.*—The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

PART II—DEFINITIONS

As used herein and in all forms and documents relating to the 1938 Agricultural Conservation Program in Weber and Davis Counties, Utah, the following terms shall have meanings ascribed to them as follows:

SECTION I. *Definitions for the purposes of the 1938 Agricultural Conservation Program.*—

Secretary means the Secretary of Agriculture of the United States.

Regional Director means the Director of the Western Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Western Region.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

State Committee means the group of persons designated within the State to assist in the administration of the 1938 Agricultural Conservation Program in State.

County Committee means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

County means the political or civil division of a State designated as a county.

Landlord means a person who owns land and rents such land to another person or operates such land.

Tenant means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Animal Unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

All farms in Weber and Davis Counties, Utah, are class B farms, i. e., farms for which no general soil-depleting acreage allotment is established.

Cropland means farm land which is tilled annually or in regular rotation, excluding commercial orchards, restoration land, and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, but including any other land which has been planted since January 1, 1930, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of production is normally sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

Noncrop open pasture means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

Done at Washington, D. C., this 27th day of June, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1842; Filed, June 28, 1938; 11:14 a. m.]

TITLE 15—COMMERCE

NATIONAL BITUMINOUS COAL COMMISSION

[Docket No. 153-FD]

INVESTIGATION OF NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN STATE OF MONTANA AND EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

At a regular session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 27th day of June, 1938.

It appearing, That by Orders Nos. 2 and 175,[1] the Commission, upon its own motion, entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Montana and the effect of such transactions upon interstate commerce in such coal; and

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[1] 2 F. R. 1058; 3 F. R. 22 (DI).

It further appearing, That reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having, on the 27th day of June, 1938, adopted the Examiner's report and recommendations as its own, which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Montana directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Montana in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce, or any substantial part thereof, are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore it is further ordered:

1. That on and after the 1st day of August, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Montana, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code as promulgated by the Commission and made effective on the 21st day of June, 1937,[1] and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Montana.

2. That any producer of bituminous coal in intrastate commerce within the State of Montana, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Section 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Montana who is not, upon the date of this order, a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances,[1] and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Montana known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this order.

By order of the Commission.

Dated this 27th day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 38-1847; Filed, June 28, 1938; 12:56 p. m.]

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENCES FOR THE EXPORTATION OF TIN-PLATE SCRAP

JUNE 24, 1938.

The Secretary of State announces that he has been authorized by the National Munitions Control Board to assign additional allotments to producers of tin-plate scrap under the provisions of paragraph (7) of the rules of procedure governing the issuance of licenses for the exportation of tin-plate scrap announced on December 6, 1937.[2]

These additional allotments will be granted to producers of tin-plate scrap only and will be assigned after July 1, 1938, in the order of the receipt of requests therefor, provided that, in the event that it shall be necessary in order that the quantity of tin-plate scrap to be exported during the calendar year 1938 shall not exceed the total figure agreed upon by the National Munitions Control Board, the available balance of such total shall be apportioned among the applicants on the basis of their production during the first six months of 1938. Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than twenty-five long tons shall exceed in amount twenty-five percent of the quantity of tin-plate scrap produced by him during the first six months of the calendar year 1938. It is provided further that no allotment to any one producer, including his affiliated or associated companies, shall exceed 1,000 long tons. Requests for allotments of twenty-five long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the first six months of 1938, provided the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, as far as can be foreseen, during the calendar year 1938, produce at least the equivalent of the allotment he requests in excess of the total of any allotments previously assigned to him for export during the calendar year 1938.

No producer shall be eligible to receive an allotment under the provisions of paragraph (7) until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the first six months of the calendar year 1938. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.

The Secretary of State's announcement to the press, No. 196 of April 26, 1938, is modified accordingly.

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 38-1841; Filed, June 28, 1938; 9:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY:

PUBLIC DEBT SERVICE

[1938—Supp. 3 to Dept. Circ. No. 300]

REGULATIONS WITH RESPECT TO UNITED STATES BONDS AND NOTES

JUNE 27, 1938.

1. Paragraphs 15 and 16 of Department Circular No. 300, dated July 31, 1923, as amended, prescribing regulations with respect to United States bonds and notes, are hereby amended to read as follows:

"15. *On issues of registered bonds.*—Registered bonds to be delivered upon exchange, transfer, or other transactions, unless delivered in person to the registered owner or his duly authorized representative, will be delivered by registered mail without expense to, but at the risk of, the registered owner, except that delivery will be made by express collect at the risk and expense of the owner, if written instructions to that effect are given.

"16. *On issues of coupon bonds and notes.*—Coupon bonds or notes to be delivered upon exchange or other transaction, whether the bonds or notes to be exchanged are presented to the Treasury Department or to a Federal Reserve Bank, unless delivered in person to the owner or his duly authorized representative, will be delivered in regular course by a Federal Reserve Bank, by registered mail insured at the risk and expense of the owner, except that delivery will be made by express collect, likewise at the risk and expense of the owner, if written instructions to that effect are given."

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[1] 2 F. R. 1059.

[1] 2 F. R. 880.

[2] 2 F. R. 2751.

2. This supplementary circular shall be effective July 1, 1938, and the Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions thereof.

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1839; Filed, June 27, 1938; 3:48 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

SPECIAL REGULATIONS TO GOVERN OPERATION OF DRAWBRIDGE ACROSS CHURCH CREEK BETWEEN JOHNS AND WADMALAW ISLANDS, S. C., ON COUNTY HIGHWAY BETWEEN CHARLESTON AND ROCKVILLE, S. C.

Supplemental to rules and regulations to govern the operation of drawbridges crossing all navigable waters of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries.

THE LAW

[*Here follows, in the original document, the text of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), which may be found at 3 F. R. 1056 (DI).*]

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the operation of the drawbridge across Church Creek on the county highway between Charleston and Rockville, S. C.

1. The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance.

2. Whenever a vessel unable to pass under the closed drawspan desires to pass through the draw, at least twenty-four (24) hours advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling the bridge.

3. Upon the receipt of such notice, the authorized representative of the owner of, or agency controlling the bridge, in compliance therewith shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

4. The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the representative specified in paragraph 2 may be reached.

5. The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

6. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved, June 16, 1938.

[SEAL] HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 38-1840; Filed, June 28, 1938; 9:45 a. m.]

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION AND NAVIGATION

[Department Circular No. 304—Second Edition[1]]

PRE-SAILING EXAMINATION OF DANISH PASSENGER VESSELS AND COLLECTION OF FEES FOR SAME

By virtue of the authority conferred by section 4400 of the Revised Statutes of the United States, as amended (46 U. S. C. 362), the following regulations are established for the purpose of carrying out the provisions of that statute providing for the inspection of foreign passenger steamers carrying passengers from the United States, and the collection of fees for such examination:

It has come to the attention of the Department that the Government of Denmark, under the "Ordinance Relating to the Application of the Merchant Shipping (Inspection of Ships) Act of March 29, 1920, to Foreign Ships", with subsequent amendments and regulations promulgated thereunder, requires the inspection of all American passenger vessels prior to their departure from a Danish port for a voyage to a port or place in any country other than Denmark. A fee of kroner 10 is imposed against an American passenger vessel for each such pre-sailing inspection.

In view of the above and pursuant to the third understanding of the President of the United States contained in the ratification of the International Convention for Safety of Life at Sea, 1929, and the provisions of section 4400 of the Revised Statutes of the United States, it is hereby ordered that a pre-sailing examination shall be made of all passenger vessels flying the flag of Denmark prior to their departure from any port or place in the United States on a voyage to any port or place in any country other than the United States. No pre-sailing examination is required to be made of such Danish passenger vessel when proceeding from one port or place in the United States to another port or place in the United States, the examination to be made only at the final port of departure for a foreign port.

Fees shall be imposed against every Danish passenger vessel for such pre-sailing examination, the amount of the fee being the equivalent in dollars and cents, at the rate of exchange on the date on which the examination is made, of kroner 10.

In carrying out the pre-sailing examination and the collection of fees, the local inspectors and collectors of customs shall conform to the following procedure:

The certificate of examination, Form 989, shall be issued as heretofore and on the back of such certificate of examination the local inspectors will enter the date the pre-sailing examination is made. The certificate of examination so endorsed shall be presented by the master, owner, or agent at the time of clearance to the collector of customs, who shall collect the fee and endorse upon the certificate the fact of such collection. The collector of customs will issue a receipt to the master, owner, or agent of the vessel on Cat. 1008. The fee so collected shall be accounted for in the same manner as any other navigation fee. In order that this fee may be properly identified on Cat. 1008, the caption "Pre-sailing Examination" shall be inserted directly under the caption "Post Entry."

No clearance shall be granted to any Danish passenger vessel to depart for a foreign port or place unless the fee has been collected for such examination and receipt thereof endorsed on the certificate of examination. This procedure will be followed each time a Danish passenger vessel applies for clearance to a foreign port or place in order to insure that such vessel has been examined and the fee for such examination has been paid to the collector of customs.

This fee will be levied on and after May 1, 1938.

Approved, June 28, 1938.

[SEAL] DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 38-1845; Filed, June 28, 1938; 12:38 p. m.]

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[1] The first edition of this circular was issued April 21, 1938, 3 F. R. 940 (DI). This edition supersedes the first.

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING IN RE DETERMINATION OF WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS NOS. 2, 3, 4 AND 5

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Congress, 1st Session), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. Notice is hereby given to all interested parties that a hearing in this matter shall be held before the Commission commencing on the 13th day of July, 1938, at 10:00 A. M., in the Hearing Room of the Commission at 15th and Eye Streets, N. W., Washington, D. C., for the purpose of receiving evidence relating to the weighted average of the total costs per net ton of the tonnage of bituminous coal produced in the calendar year 1936, in each of Districts 9, 10, 11, 12, 14 and 15, inclusive, and so much of District 13 as is in Minimum Price Area 3, and evidence relating to any change or changes in wage rates, hours of employment or other factors, exclusive of seasonal changes, substantially affecting costs, in each of said Districts which may have been established since January 1, 1936, to enable the Commission to determine the weighted average of the total costs of the tonnage for Minimum Price Area 2 (Districts 9, 10, 11 and 12), Area 3 (so much of District 13 as is in Minimum Price Area 3), Area 4 (District 14), and Area 5 (District 15), in the calendar year 1936, as adjusted within the meaning of Section 4, Part II, of the Act, at which time all interested persons will be afforded an opportunity to be heard.

2. The District Boards of said Districts have submitted to the Commission, pursuant to its Order No. 240,[1] their determinations of the weighted average of the total costs of the total ascertainable tonnage produced in their respective Districts in the calendar year 1936, adjusted as aforesaid, as follows:

District No.	*District Board's Determination*
9	$1.5887
10	1.7766
11	1.6697
12	2.8406
13	2.4238
14	3.6296
15	2.0481

upon which evidence will be received at such hearing.

3. The Division of Research and Statistics of the Commission has submitted to the Commission the following computations of the weighted average of the actual costs of the ascertainable tonnage in each District and Minimum Price Area for the nine-months period (except as otherwise specified), April to December, 1937, the latest period for which cost data are available at the increased wage-rates that became generally effective April 1, 1937. These costs have been further adjusted to take account of known changes in Federal unemployment taxes, effective January 1, 1938, and to take account of the known effects of the tax imposed by the Bituminous Coal Act of 1937.

District or minimum price area	Actual 1937 costs			Actual costs plus two adjustments for unemployment and Coal Act taxes [1]
	1936 tonnage	Period	Per-ton cost	
District				
District 9	7,892,942	May-Dec.[2]	$1.5711	$1.59
District 10	48,919,533	Apr.-Dec	1.7611	1.77
District 11	16,646,367	Apr.-Dec.[3]	[3] 1.6366	1.65
District 12	3,551,750	Apr.-Dec	2.8265	2.85
District 13	12,543,778	June-Dec.[4]	2.4691	2.48
District 14	1,936,412	Jan.-Dec.[5]	3.6049	3.63
District 15	7,050,077	Apr.-Dec	2.0473	2.06
Minimum price area				
Price area 2	77,010,592	(6)	1.7646	1.78
Price area 3	12,543,778	(6)	2,4691	2.48
Price area 4	1,936,412	(6)	3.6049	3.63
Price area 5	7,050,077	(6)	2.0473	2.06

[1] Rounded to nearest cent.

[2] In District 9, the wage increase became effective May 1.

[3] In District 11, wages were increased on April 1 and again on November 1. The figure cited is the average for 7 months at the April scale plus 2 months at the November scale, without attempt at proration.

[4] April and May omitted because of prolonged strike.

[5] Actual costs for nine-month period April to December 1937, combined with three-month costs for January to March 1937, so adjusted as to raise the three-month costs to the level of the wage scale effective April 1.

[6] For period of 1937 covered see above.

The Division of Research and Statistics has recommended to the Commission that the above costs be considered as evidence of weight in determining the adjusted costs, subjects to such further adjustments as may be proved at the hearing to be advisable, in order to take account of additional known factors of increase or decrease which are not herein fully reflected.

4. Any person desiring to offer affirmative evidence at such hearing shall, not later than the day preceding the date of said hearing, file with the Commission at its offices in Washington, D. C., a written appearance setting forth therein the nature of his interest and a concise written statement of the facts which he wishes to present. Such cross-examination as the Commission in its discretion deems proper will be permitted.

5. That the Secretary cause a copy of this Notice of and Order for Hearing to be published forthwith in the Federal Register and in two consecutive issues of a newspaper of general circulation in each of the aforesaid Districts and shall cause copies hereof to be mailed to each code member, the Consumers' Counsel and to the Secretary of each District Board, and to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 27th day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 38-1846; Filed, June 28, 1938; 12:56 p. m.]

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[1] 3 F. R. 935 (DI).